THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.17745 OF 2007

Dated 21-08-2007

Between:

K.Vijayaraju …Petitioner

And

The Regional Transport Officer and
Another …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.17745 OF 2007

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard learned counsel for the parties.

It appears that show cause notice was given to the petitioner on 04-07-2007, which was received by him on 14-07-2007. Copy of the show cause notice has not been filed by the petitioner, but the impugned order dated 23-07-2007 discloses that the notice was received by the petitioner on 14-07-2007. He had been asked to file explanation within 7 days from the date of receipt of the notice. He did not file any explanation, therefore, the authority concerned passed the impugned order on 23-07-2007.

We do not find any illegality in the order passed by the authority, who had given opportunity to the petitioner to put forth his case, but we have noted that penalty has also been imposed along with demand for the tax. Learned counsel for the respondents represents that the order, levying penalty, is an appealable order. In this view of the matter, we direct that on payment of the tax, within a period of two weeks, the recovery of penalty be stayed for further two weeks to enable the petitioner to file an appeal.

The writ petition is accordingly disposed of. No order as to costs.

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(Bilal Nazki, J)

Dated 21st August, 2007

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(S.Ananda Reddy, J)

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